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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,798	07/17/2003	Sabine Leifeld	SCH-1912	8457
23599	7590	09/20/2005	EXAMINER	
MILLEN, WHITE, ZELANO & BRANIGAN, P.C. 2200 CLARENDON BLVD. SUITE 1400 ARLINGTON, VA 22201			ELKINS, GARY E	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/620,798	LEIFELD ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gary E. Elkins	3727	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>20040220</u> .  | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. It is noted that the transmittal submitted with in the IDS field 2/20/04 indicates that an English language search report was part of the IDS. However, no search report can be found within the submitted papers.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.84(h)(5) because Figure 1 show(s) modified forms of construction in the same view (see element "91" and page 6, second paragraph of the specification). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

3. The abstract of the disclosure is objected to because it is not in single paragraph form. Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 112***

4. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following each lack antecedent basis in the claims, i.e. each is only inferentially set forth: claim 1, line 3, “the folding box body”, claim 3, “the next side wall but one” and claim 7, line 2, “the two end areas of the matrix”.

Claims 6 and 7 are unclear with respect to what is being claimed. The preambles indicate that a process is claimed. However, no steps are set forth in the body of the claims to define the process. Also, each preamble is unclear insofar as claim 1 is not directed to a process for folding a folding box.

In claim 1, line 3, “these flaps” is unclear with respect to what flaps are being referred to.

In claim 1, lines 6 and 7, “whereby after the box is formed” is unclear insofar as the preamble indicates that a box is being claimed, i.e. the phrase implies that a blank (or matrix) or some intermediate product other than a box is being claimed.

The following are each a double inclusion of an element, i.e. the element is being reintroduced into the claims: claim 1, lines 7, 8, 10 and 12-16, “side wall”, “folding box”, “side wall”, “combination section”, “inside area”, “an attachment flap”, “attachment recess”, “outside areas” (one already set forth in the claim), “side wall”, “outside area” and “inside area”, claim 2,

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“combination section”, “matrix”, “closest side wall” and “side wall”, claim 3, “matrix” and “a side wall”, claim 4, “combination section” and “inside area”, claim 5, “side wall” and “sealing flap”, claim 6, “sealing flap”, “all side walls” and “combination section” and claim 7, “a side wall”, “a side wall” and “combination section”.

In claim 1, lines 8-11, “which, when matrix of folding box is extended, is the furthest from it” (two occurrences) is unclear in meaning and scope.

In claim 1, line 8, “certain areas” is unclear with respect to what areas are being referred to.

In claim 1, lines 12-14, the phrase that the combination section “consists” of an inside area and at least one outside area is unclear insofar as a plurality of outside areas are referred to in line 14. The term “consists” is exclusive and means that no other elements are part of the combination section. If the combination section includes additional outside areas other than the one claimed, the term “consists” is inconsistent within the claim.

In claim 2, line 1, “seen in lengthwise direction of matrix that is extended” is unclear and appears to be referring to the drawings. Also, claim 2 as a whole is unclear in meaning.

In claim 3, “in the case of a folding box with three different long edges” is unclear with respect to whether the edges are claimed or not and with respect to where the “long” edges” are located within the claimed construction.

In claim 3, “is connected in matrix that is extended to a side wall” is unclear in meaning.

In claim 4, “these areas” is unclear with respect to what areas are being referred to.

In claim 7, last line, “that is at least partially bonded” is unclear, i.e. at least partially bonded to what?

Numerous errors in grammar and syntax are present in the specification and claims which appear to be the result of a literal translation of the original foreign application. Appropriate correction should be made to clarify the disclosure and conform to U.S. practice.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-7, as best understood in view of paragraph 4 above, are rejected under 35 U.S.C. 102(b) as being anticipated by any one of Dixon, Roccaforte or Collins et al. Each of Dixon, Roccaforte and Collins et al discloses a box with a combination section including an inside area (42, 44; 21; 60, respectively) with an attachment recess and at least one outside area (48 or 50; 24 or 25; 62, respectively) connected to the inside area by a separating structure as claimed.

***Conclusion***

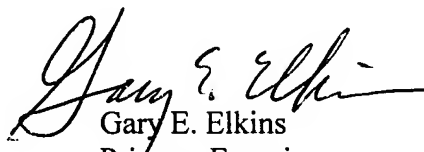
The remaining cited prior art is illustrative of the general state of the art.

In order to reduce pendency and avoid potential delays, Technology Center 3700 is encouraging FAXing of responses in Office Actions to (571)273-8300. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by Applicants who authorize charges to a PTO deposit account. Please identify the Examiner and art unit at the top of your cover sheet.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. Also, copies of an office action or other file information may be obtained from the Private PAIR system. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions regarding access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communication from the Examiner should be directed to Gary Elkins at telephone number (571)272-4537. The Examiner can normally be reached Monday through Thursday.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Nathan Newhouse can be reached at (571)272-4544.

  
Gary E. Elkins  
Primary Examiner  
Art Unit 3727

gee  
18 September 2005